

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

KIMBERLY STEWART

JURY TRIAL DEMANDED

v.

CASE NO.

LEGAL MEDIATION PRACTICE, INC.

COMPLAINT

1. Plaintiff seeks relief pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692.

2. This Court has jurisdiction. 15 U.S.C. § 1692k, 28 U.S.C. § 1331.

3. Plaintiff is a natural person who resides in Allegheny County, Western District of Pennsylvania.

4. Plaintiff is a consumer within the FDCPA.

5. Plaintiff allegedly incurred a debt within the FDCPA.

6. Defendant holds itself out to the public as a collection agency.

7. Defendant is a debt collector within the FDCPA.

8. Defendant's collection efforts took place within the past year.

9. Defendant falsely threatened to go to plaintiff's home or place of employment to collect the alleged debt.

10. Defendant falsely accused plaintiff of committing a crime.

11. Defendant created a false sense of urgency.

12. Defendant left the following message on plaintiff's answering machine:

*Kimberly Stewart this is Tom (inaudible) with the firm Legal Mediation Practice. It is imperative that I speak with you immediately. Our firm has reached a decision on the matter at this time. My number here at the firm is 1-800-201-0565. My direct extension 262. Good luck.*

FIRST COUNT

13. In the collection efforts, defendant violated the FDCPA, *inter alia*, §1692d, 1692d(1), 1692e, 1692e(4), 1692e(5), 1692e(7), 1692e(10), 1692e(11) and 1692f.

14. As a result of defendant's illegal collection activities, plaintiff suffered actual damages in the form of anger, anxiety, emotional distress, fear, frustration, upset, humiliation, embarrassment, as well as unjustified and abusive invasions of personal privacy.

WHEREFORE, plaintiff respectfully requests this Court to:

1. Award plaintiff such damages as are permitted by law, including actual damages and \$1,000 statutory damages; and
2. Award the plaintiff costs of suit and a reasonable attorney's fee.

JEFFREY L. SUHER, P.C.

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